

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

CHRISTOPHER LUCE,)	CASE NO. 1:20-CV-00567
)	
Plaintiff,)	JUDGE CHARLES ESQUE FLEMING
)	
vs.)	MAGISTRATE JUDGE
)	JONATHAN D. GREENBERG
WARDEN LYNEAL WAINWRIGHT,)	
)	OPINION AND ORDER ADOPTING
Defendant.)	MAGISTRATE’S REPORT AND
)	RECOMMENDATION

On March 16, 2020, Plaintiff Christopher Luce (“Plaintiff”) filed a Petition for Writ of Habeas Corpus (“Petition”), pursuant to 28 U.S.C. § 2254 (ECF No. 1). On August 10, 2022, Magistrate Judge Jonathan D. Greenberg submitted a Report and Recommendation (“R&R”), recommending that the Court dismiss Plaintiff’s Petition. (ECF No. 7).

Fed. R. Civ. P. 72(b)(2) provides that the parties may object to a R&R within fourteen (14) days after service. The R&R also gave the parties notice of the 14-day time limit for filing objections. (ECF No. 7, PageID #1231). On August 10, 2022, a copy of the R&R was mailed to Plaintiff at Marion Correctional Institution. As a result, any objections by the parties were due on August 24, 2022 (one week prior to the date of this order). No objection has been filed by either party.

Under the Federal Magistrates Act, a district court must conduct a *de novo* review of those portions of the Report and Recommendation to which the parties have objected. 28 U.S.C. § 636(b)(1)(C); Fed. R. Civ. P. 72(b)(3). Absent objection, a district court may adopt a Report and

Recommendation without further review. *See Peretz v. US*, 501 U.S. 923, 939 (1991); *Thomas v. Arn*, 474 U.S. 140, 141-42, 49-50 (1985).

Accordingly, the Court **ADOPTS** Magistrate Judge Greenberg's Report and Recommendation, incorporates it fully herein by reference, and **DISMISSES** Plaintiff's Petition. The Court also certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith, and that there is no basis upon which to issue a certificate of appealability. Fed. R. App. P. 22(b); 28 U.S.C. § 2253(c).

IT IS SO ORDERED.

Date: August 31, 2022

A handwritten signature in black ink, reading "Charles Fleming". The signature is written in a cursive, flowing style.

CHARLES E. FLEMING
UNITED STATES DISTRICT JUDGE